

FROM THE DESK OF STEVE PAVISH

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March 29, 2017

Re: Recall of Kimberly Kopp

Mr. Jon Korta, Mayor
City of Galena
PO Box 149
Galena, AK 99741

Dear Mayor Korta,

I regret the necessity of this letter. However, the wrongs committed throughout the process that lead to Kimberly Kopp's recall from the Galena Board of Education cannot be left unanswered.

I request that this letter be included in the minutes of the Galena City Council's next public meeting.

In the interest of full disclosure, I will identify myself as Kimberly Kopp's father. I am also the Chairman of the Galena Young Life Support Committee, a group based in the Mat-Su Valley that is responsible for raising funds and providing other support for the Young Life ministry in Galena. I have been a resident of Alaska for nearly 50 years and have been professionally involved with state and local governments during most of that time. Though not a full-time resident of Galena, I have been a perennial visitor, actively involved with Galena through family and friends ever since my son, David Pavish, first moved there in 1998.

I also wish it to be known that Kim did not ask me to write this letter. I am writing on my own accord out of concern for family and friends in Galena.

During the past several months, I have remained silent regarding the recall petition and election. I preferred to allow the Council and the community an opportunity to do the right thing in due course. I visited Galena in January and witnessed firsthand, not only my daughter's sadness with the election outcome, but also the deep division within the community that resulted from the recall. The division persists to this day, so I can remain silent no longer.

Kim's recall from office was one of the most egregious failures of local government I have ever witnessed in Alaska. Central to this total miscarriage of justice was the City Council's moral and civic failure to govern rightly. The Council was not an innocent bystander to this train wreck. Regardless of individual member intentions, the Council's actions in this matter rang as an endorsement of the vindictive lies and character

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assassination that were central to the recall petition. Council members became co-assailants with the petition sponsors in the wanton destruction of Kim's well-deserved good reputation, not only in Galena, but across Alaska and the nation (with the Internet, nothing is just local anymore). And, you became the official facilitators of what, apart from the Grace of God and forgiving people, will be a permanent division in the community.

Last month, Kim had to give up trying to contest the recall election through the courts. Our family could not afford to hire an attorney and we soon found out that justice is not available to people of normal means who cannot obtain legal representation. We understood from the City's attorney that you are hoping that the voluntary dismissal of her case would allow the division in the community to heal. *That is a false hope!!* The Council cannot throw one of the community's most productive and self-sacrificing citizens under a political bus (and, by extension, her friends and supporters with her) and expect community healing to happen simply through silence and the passing of time. Silence on the Council's part will only serve as motivation for the petition sponsors to attack others (which I understand some of them have already begun to do). Although it has been over three months since the recall election, Kim and others continue to suffer verbal abuse and ostracism from people who voted against her. Clearly, Council silence isn't working to heal anything.

If community healing is to happen, it must begin with the Council because it was the Council's mishandling of this case that created the division. As I see it, the Council must do three things to initiate community healing:

1. Make a public apology to Kim Kopp.

Here's why:

A) The Council members knew the players involved. Council members knew Kim and the life of service and self-sacrifice she has lived before you in Galena year after year for nearly two decades. The Council knew that the charge of "incompetence" alleged in the petition was patently ridiculous, having absolutely no application to Kim's performance on the Board of Education or any other endeavor she has ever pursued in Galena. Example: She was a key organizer of the church-sponsored teams of volunteer workers that came to Galena in the 2013 flood recovery. In that role, she worked for months coordinating the staged arrivals and departures of volunteer crews and the operations of donated aircraft services. No "incompetent" could have succeeded in that responsibility for one day, much less continuously for months on end. Furthermore, she served in that capacity entirely without financial compensation. I could point to many other examples like this, but there is no need to do so because you already know them well.

Council members also knew Jenny Bryant, the primary petition sponsor, and well

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understood that she has a history of attacking people with whom she disagrees. She used the Council and a defective recall ordinance to carry out her personal vendetta against Kim. Ms. Bryant even admitted in a public radio interview that Kim had done nothing wrong and laughed about how easy it was to make the recall election happen. The malicious motives behind Ms. Bryant's petition were apparent for all to see, yet the Council allowed the recall to go forward anyway.

B) The Council was aware of lies and slander in the petition. It is a matter of record in the Council's minutes that Council members were fully informed in public testimony that key statements in the recall petition were utterly false. Not only did the petition present falsehoods as truth, but it also slandered the Galena Bible Church and Galena Young Life as if they were evil, destructive organizations. The Council was informed of the false statements and slander, but allowed the petition process to go forward anyway.

C) Council members failed to inform themselves of the legal subject of recall elections in Alaska. The Council is a governing body. Members must know something of the law in order to deal with the subjects that come before them. This means they have an individual responsibility to inform themselves by personal study. Had Council members spent just one hour on the Internet reviewing the law, the decisions of the courts, and the advice of the State Attorney General's Office, they would have recognized that the City Attorney's advice on the subject was, at best, incomplete.

The State law on recalling public officials is nearly identical to that of the Galena Municipal Code. There are numerous cases where the State Division of Elections (after Attorney General review) rejected recall petitions for lack of particularity and sufficiency that were far more complete and specific than the petition filed against Kim. Had Council members taken the time to inform themselves of these cases, they would have recognized the petition against Kim as defective and sent it back to the Clerk. The Council operated on poor legal advice because the members apparently made no effort to personally study the legal issues involved. (Please do not give me the excuse that the Council had no choice in the matter because the City Attorney advised you to proceed with the petition. The fact is: Attorneys advise, but clients decide! The Council members were free to make choices and are *solely* responsible for the community division precipitated by their decisions.)

D) The Council allowed individuals with clear conflicts of interest to be directly involved in the City's handling of the recall petition and election. The City Manager / Clerk is a relative of the primary petition sponsor (Ms. Bryant). Because of this obvious conflict of interest, Ms. Huntington should have removed herself from processing the petition. Since she did not, the Council should have done so. Even worse, two members of the Council had direct involvement with the petition, one as a co-sponsor and one as a signer. These two were not only allowed to participate in the Council's deliberations regarding the petition, but they were also allowed to vote on the subject. Twice! Furthermore, during public meetings, Councilman Scotton, a petition co-sponsor,

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actively lobbied the rest of the Council members in favor of Kim's recall, clearly displaying his prejudice and conflict of interest for all to see. Yet, the rest of the Council took no action to censure him. The Council's actions on the petition in the face of these blatant conflicts of interest were, at best, completely irresponsible; at worst, corrupt.

2. Make a public apology to the Galena Bible Church and Galena Young Life.

By allowing the recall petition to go forward to an election, the Council gave credence to the slanderous innuendo in the petition regarding the Bible Church and Young Life. The Council tossed them under the bus with Kim as if they had no value to the community.

Tell me, what great evils have these two religious service organizations committed to deserve such official abuse? In what way are they "perceived" to be over-involved at Galena Interior Learning Academy, as the petition stated? Is it their consistent demonstration to teens that they have value far beyond the state education dollars they represent to the City? Or, is it their sacrificial support for kids that need a family-like relationship to stay in school in Galena? Or, is it all the events these groups sponsor specifically for students at no cost to the community?

Do you realize that during the past decade over a million dollars in financial and in-kind donations from businesses and individuals across Alaska and 16 other states have been invested in Galena students by Young Life? We have sponsored basketball clinics, wrestling clinics, prom formal wear fittings, youth concerts, after-prom parties (which have kept over 95% of high school students off the streets and away from substance abuse on prom night), just to name a few. And, for those students that wish to hear, we provide instruction in the Bible and the Christian faith.

Do you realize that virtually all the churches that sent flood recovery workers to Galena in 2013 were contacted by the Bible Church or Galena Young Life, and were provided with a base of operations at the Bible Church? Had it not been for these two organizations pleading with their supporters all over the nation to send work crews to Galena, the community's flood recovery would have taken much, much longer. Yet, just a few short years later, their contribution to flood recovery was forgotten when the Council approved a petition that slandered them.

The Bible Church and Young Life are not just non-profit organizations; they are your neighbors! They are individuals and families that are invested in the physical and spiritual welfare of others. They are productive Galena residents that have been carelessly pushed aside as a result of the recall election....because the Council chose to allow an unjust and malicious recall petition to go forward, instead of taking the moral high ground and rejecting it.

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3. Amend the City's recall ordinances to ensure that this kind of abuse and misuse of public process never happens again. The ordinances should be changed to:

- Require the allegations in a recall petition to be true;
- Require the allegations in a recall petition to be substantiated by evidence summarized in the petition;
- Shift the responsibility for determining the sufficiency and truthfulness of a recall petition from the City Clerk to the Council;
- Require that a copy of the petition be provided to the public official named in the petition at least 30 days before the Council meets to consider the petition;
- Provide an opportunity for the targeted public official to present testimony in his or her defense when the Council meets to consider the petition; and
- Prohibit a member of the Council or City staff that has sponsored or signed the recall petition, or is related to anyone that has, from processing a petition or participating in Council deliberations on the petition, or voting on Council decisions regarding the petition.

These changes will allow legitimate recall petitions to move forward, while safeguarding innocent public officials and the public process from the kind of malicious abuse that was displayed in Kim's recall.

So, now the Council has a choice to make, one that, in many ways, will determine the future of Galena. Either,

- Maintain your silence as if the recall election never happened and nobody was injured, in which case, the community division will fester and deepen; or
- Publically apologize to those that were victimized as a result of the unjustified recall election and amend the recall ordinances to prevent this kind of abuse in the future.

I hope you will make the right decision.

Sincerely,

Steve Pavish

PS – I neither expect nor request a written reply. The Council's action or inaction will be sufficient for me to know the City's response to this letter.